PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve Whether the attachment of an existing garage to a dwelling via a breezeway shall allow the conversion of the existing dwc. ing

and garage to a three-spartment dwelling. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s):

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

6-21-82 82-151/SP1A

Contract Purchaser:	Legal Owner(s):
	Philip KA B
(Type or Print Name)	Type or Trink Nan
	( Pouls o
Signature	Signature
	Betty Buck
Address	(Type or Print Nan
	Better.
City and State	Signature
Attorney for Petitioner:	
G. Darrell Russell	532 Alleghe
(Type or Print Name)	Address
- Buch Com	Towson, Mar
Signature	City and State
203 Courtland Avenue	Name, address and pl
Address	tract purchaser or re
Towson, Maryland 21204	G. Darrell
City and State	Name
Attorney's Telephone No.: 321-8818	203 Courtla
Attorney & Totophono Ivon December 2	Address Md
	Towson, Md.
ORDERED By The Zoning Commissioner of	Baltimore County, th
<del></del>	

eny Avenue 828-4818 ryland 21204

phone number of legal owner, conepresentative to be contacted Russell and Ave. 321-8818

December 1981, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of January , 19 82 , at 9:30 o'clock

Z.C.O.-No. 1

## BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. William E. Hammond Date December 23, 1981 TO Zoning Commissioner Norman E. Gerber, Director FROM Office of Planning and Zoning

SUBJECT\_ Zoning Petition No. 82-154-SpHA

There are no comprehensive planning factors requiring comment on this petition.

NEG:JGH:dme

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 402.1 to permit a lot width of 84' instead of the required 105' and a minimum side yard setback of 5' instead of the required 20' and a sum/of 35' instead of the required 40'.

If the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Hardship. It is desired to make three spartments out of the improvements which cannot be done under the current setback regulations. No external changes have to be made except outside stairway for access to the second floor and a breezeway between the house and garage wherein the third apartment will lie. The residential character will not be otherwise visably changed. There is adequate off-street parking. As the building now exists, it is not being used to its full potential.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):	
	Philip L? Buck //	$\mathcal{L}$
("ype or Print Name)	(Type of Print Name)	1106/ 2:
Signature	Signature	100 / 101/
	Betty Buck	
Address	(Type or Print Name)	//
City and State	Bitty Buck Signature	
Attorney for Pelitioner:		
G. Darrell Russell, Jr.	532 Allegheny Ave.	828-4818
(Type or Print Name)	Address Towson, Maryland 2	Phone No. 21204
Signature	City and State	
203 Courtland Avenue	Name, address and phone number	of legal owner, con-
Towson, Maryland 21204	tract purchaser or representative to be contacted	
	G. Darrell Russell,	Jr.
City and State Attorney's Telephone No.:	203 Courtland Ave. Towson, Md. 21204	321-8318
	Address	Phone No.

ORDERED By The Zoning Commissioner of Baltin ne County, this \_\_\_\_\_ 4th\_\_\_\_ day of \_\_\_\_\_\_\_ December\_\_\_\_, 19.81\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of January 1982, at 9:30 o'clock

\_\_**A.\_**M.

RE: PETITION FOR SPECIAL HEARING :

E of Woodbine Ave., 9th Sistrict

BEFORE THE ZONING COMMISSIONER PETITION FOR VARIANCES N/S of Allegheny Ave., 451'

PHILIP L. BUCK, et ux, Petitioners: Case No. 82-154-SPHA

ORDER TO ENTER APPEARANCE

:::::::

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County

Charter, I hereby enter my appearance in this proceeding. You are requested to notify

me of any hearing date or dates which may be now or hereafter designated therefor,

and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman Deputy People's Counsel

21204, Attorney for Petitioner.

John W. Hessian, III People's Counsel for Baltimore County Rm. 223, Court House Towson, Maryland 21204 494-2188

OF BALTIMORE COUNTY

THEPEBY CERTIFY that on this 7th day of January, 1982, a copy of the foregoing

Order was mailed to G. Darrell Russell, Esquire, 203 Courtland Avenue, Towson, Maryland

John W. Hessian, III

ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

DECEMBER'S
EXHIBIT 4

G. Darrell Russell, Jr., Esquire 203 Courtland Avenue Towson, Maryland 21204

BALTIMORE COUNTY OFFICF OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your Petition has been received and accepted for filing this 4th December

> WILLIAM E. HAMMOND Zoning Commissioner

Petitioner Philip L. Buck, et ux

Petitioner's Attorney G. Darrell Russell, Jr., Eskeviewed by: Lecholas B. Commodon

Vicholas B. Commodari Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 30, 1981

COUNTY OFFICE BLDG. G. Darrell Russell, Jr., Esquire 203 Courtland Avenue

Towson, Maryland 21204 Nicholas E. Commodari

MUMBERS Bureau of

C: \*irman

Department of Traffic Lagineering Health Department Project Planning Building Department Board of Education Zoning Administration Industrial

RE: Item No. 70

Petitioner - Philip L. Buck, et ux Variance & Special Hearing Petitions

Dear Mr. Russell:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Because of your clients' proposal to convert the existing dwelling and "garage" to a three apartment unit, this combination hearing is required. (At the time of field inspection, it appeared that the "garage" was already being used as living quarters.) This should be verified at the hearing.

Section 402 of the zoning regulations indicates that existing dwellings can be converted to apartment use provided certain criteria is satisfied. The special hearing is included in this petition in order to determine whether the attachment of the detached garage by way of a covered breezeway would allow this structure to be considered as part of the existing dwelling. If this request is granted, then the variances are needed because of the lot width and setback deficiencies.

Particular attention should be afforded to the comments of the Department of Permits and Licenses.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

NICHOLAS B. COMMODARI, Chairman Zoning Plans Advisory Committee

NBC:bsc

Enclosures

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J PISTEL, P. E. DIRECTOR

November 13, 1981

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Mr. William E. Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

> Re: Item #70 (1981-1982) Property Owner: Philip L. & Betty Buck N/S Allegheny Avenue 461' E. of Woodbine Avenue

Acres: 85 x 213 District: 9th The following comments are furnished in regard to the plat submitted to this office

Dear Mr. Hammond:

for review by the Zoning Advisory Committee in connection with the subject item. Comments were supplied for this property by the Baltimore County Bureau of

Public Services November 30, 1976, in conjunction with the review of the Preliminary Final Plan (Project 6213) for the present subdivision "Property of Donald E. Buck", recorded E.H.K., Jr. 42, Folio 56.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 70 (1981-1982).

RAM: EAM: FWR: SS

cc: Jack Wimbley N-NW Key Sheet

39 NE 1 Pos. Sheet NE 10 A Topo 70 Tax Map

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that:

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not advarsely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this

\_\_\_\_, 19\_\_\_\_\_, that the herem Petition for Variance(s) to permit

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING TOWSON, MARYLAND 21204

NORMAN E. GERBEA

December 22, 1981

Mr. William Hammond, Zoning Commissioner Zoning Advisory Committee Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #70, Zoning Advisory Committee Meeting, October 20, 1981, are as follows:

Property Owner: Philip L and Betty Buck Location: N/S Allegheny Avenue 461' E. of Woodbine Avenue Acres: 85 X 213 District: 9th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This petition meets the requirements of the Division of Current Planning and Development.

Very truly yours,

John Zevembley John L. Wimbley Planner III Current Planning and Development

JLW:rh

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond, Zoning Commissioner TO Office of Planning and Zoning Date\_\_\_November 30, 1981

FROM Ian J. Forrest

SURJECT Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:

/ Item # 70 - Philip L. & Betty Buck

Item # 71 - Charles E. & Julia M. Dengler

Item # 72 - John M. Miller

Item # 73 - Margaret Flizabeth Giudice, et al

Ian J. Forrest, Director BUREAU OF ENVIRONMENTAL SERVICES

IJF/fth

FIRE DEPARTMENT TOWSON, MARYLAND 21204 825-7310

PAUL H. REINCKE

December 15, 1981

Mr. William Hammond Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, Maryland 21204

Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee

RE: Property Owner: Phillip L. and Betty Buck

Location: N/S Allegheny Avenue 461' E. of Woodbine Avenue

Zoning Agenda: Meeting of October 20, 1981 Item No.:

Gentlemen:

1, e

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and chall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Catt least Toly 11/1/11 Approved: LOWE MICHONIST Fire Prevention Buredu Special Inspection Division

JK /mb/ cm

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610 TED ZALESKI, JR.

November 13, 1981

Mr. William E. Hammond, Zoning Commissioner Office of Planning and Zoring County Office Building Towson, Maryland 21204

Comments on Item #70 Zoning Advisory Committee Meeting, October 20, 1981 are as follows:

Property Owner: Philip L & Betty Buck Location: N/S Allegeney Avenue 461' E. of Woodbine Avenue Existing Zoning: D.R. 3.5
Proposed Zoning: Variance to permit a lct width of 85' in lieu of the required 105' a minimum side yard setback of 5' in lieu of the required 20' and a sum of 35' in lieu of the required 40'.

85 X 213 District:

- X A. All structures shall conform to the Baltimore County Building Code 1978,
- B. A building/ \_\_\_\_\_permit shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. In wood frame construction an exterior wall erected within 6' 0 of an adjacent lot line shall be of one hour fire resistive construction, no or mings permitted within 3'-0 of lot line. A minimum 8" masonry firewall is required if construction
- F. Requested variance conflicts with the Baltimore County Building Code,
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required set s of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 305 and the required construction
- X I. Comments A one hour fire separation shall be provided between tenants. Each tenant shall have an approve exit. Alterations to accomplish this will require a permit. NOTE: These comments reflect only on the information provided by the drawing submitted to the office of Planning and Loning and are not intended to

be construed as the full extent of any permit. If desired additional information may be obtained by visiting Room #122 (Plans Review) at 111 West Chesapeake Ave., Towson.

Charles E. Burnham, Chief

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: October 12, 1981

Mr. William E. Hammond Zoning Commissioner Baltimore County Office Building 1111 West Chesapeake Avenue Towson, Maryland 21204

Z.A.C. Meeting of: October 20, 1981

RE: Item No: 70, 71, 72, 73 Property Owner: Location: Present Zoning: Proposed Zoning:

> District: No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours Wm. Nick Petrovich, Assistant Department of Planning

WNP/bp



STEPHEN E. COLLINS

January 20, 1982

Mr. William Hammond Zoning Commissioner County Office Building Towson, Maryland 21204

Re: ZAC Meeting - October 20, 1981

Dear Mr. Hammond:

The Department of Traffic Engineering has no comment for items number 70, 71, 72 and 73.

Traffic Engineering Associate I!

MSF/rlj

' •mbardy Flace Lowson. Maryland 21204 January 11, 1982

Commissioner County Office Bldg. Towson, Maryland 21004

Pear Commissioner,

I am writing to you relative to the Phillip Act treputs on Albelon. Ter. In the A Temper. We I work was here in the Company of the Com thoughts and hopes of living in the quiet, respectable model by the life in-

in our diller bed and are troughose. In these ten point these have lear so many morning variances are "exceptions" to gening regulations that "exceptions" seem to be the rule. The fact that man fine residential homes are being used as lawyer's offices, and that commercial-like parking lots are observable west of Bosley Ave. is very disturbing. More and more homes have been turned into rental units-and not single family ones- that the whole character of the neighborhood is changing.

My husband and I are firmly against the zoning of this property for anything except a single family residence. We overlook the back of said property. Just the matter of providing parking for an increased number of vehicles may cause a run-off problem. Populating three apartments may lead to problems. One rental unit across the street from the Buck's property has been quilty of keeping the neighbors from getting their sleep on summer evenings with loud parties that awaken our children. It is a dominoe effect. Forhars it is because of all the offices and rental units that the Bucks have been unable to sell their home. That is your fault! Ferhaps you need to draw a line at your zoning exceptions. If you do not, than many elderly trying to sell their homes will have a similar problem,

due to the changing (unfavorably) face of the community. We would like to see the Bucks remain or sell their home to be used as a single family dwelling, at a reasonable price if at all possible, in odder to retain the remaining single family dwelling residential characteristics of West Towson. We pray that you will make a decision that will be favorable to our community.

> Sincerely, Deanne J. The your

Dianne F. Thompson James E. Thompson

May 20, 1982

G. Darrell Russell, Esquire 203 Courtland Avenue Towson, Maryland 21204

> RE: Petitions for Special Hearing and Variances N/S of Allegheny Averse, 461' E of Woodbine Avenue - 9th Election District Philip L. Buck, et ux - Petitioners NO. 82-154-SPHA (Item No. 70)

Dear Mr. Russell:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,

WILLIAM E. HAMMOND Zoning Commissioner

WEH/srl

Attachments

cc: John W. Hessian, III, Esquire People's Counsel

Mrs. Mary Ginn 606 Horncrest Road Towson, Maryland 21204

Mr. & Mrs. James E. Thompson 7 Lombardy Place Towson, Maryland 21204

PETITION OR SPECIAL HEARING & VAPANCE

9th DISTRICT

ZONING: Petition for Special Hearing and Variance

LOCATION: North side of Allegheny Ave., 461' East of Woodbine Ave.

DATE & TIME: Tuesday, January 12, 1982 at 9:30 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,

Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing:

> Petition for Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve whether the attachment of an existing garage to a dwelling via a breezeway shall allow the conversion of the existing dwelling and garage to a three-apartment dwelling; and Variance to permit a lot width of 84' instead of the required 105' and a minimum side yard setback of 5' instead of the required 20' and a sum of side yards of 35' instead of the required 40'

The Zoning Regulation to be excepted as follows:

Section 402.1 - Minimum lot width and setbacks for conversion of a dwelling to apartments

All that parcel of land in the Ninth District of Baltimore County

Being the property of Philip L. Buck, et ux, as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, January 12, 1982, at 9:30 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

> BY ORDER OF WILLIAM E. HAMMOND ZONING COMMISSIONER OF BALTIMORE COUNTY

DESCRIPTION OF PROPERTY

Beginning at a point on the North side of Allegheny Avenue approximately 461' east of Woodbine Avenue and known as Lot 1 of "Donald Buck" property and recorded among the Land Records of Baitimore County in Plat Book 42 Folio 56.

Also known as 532 Allegheny Avenue.

Authorized Explaine Rect. MEDRIAS, Longld E. Buck and Elizabeth L. Buck, his wife, are the owners of several lots located in the 9th election district of Baltimore County, State of Maryland, which lots are designated as Lots 1, 2, and 3 on a Plat recorded among the Land Records of Baltimore County in Plat Book E.H.K.Jr. No. 42, folio 56; and

DRIVENAY USE AND WITHERANCE AGMENTING Per: / Pro-

115ER 5 9 3 0 PAGE 0 9 3

NOTICE OF HEARING

Case #82-154-SPHA

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE.

Tuesday, January 12, 1982

Petitions for Special Hearing & Variance N/s Allegheny Ave., 461' E of Woodbine Ave.

**EALITIMORE COUNTY** 

• • • •

TRANSFER TAX NOT REQUIRED

Walter R. Richardson Director of Figures DAYTINORE COOLITY, LARYLAND

Philip L. Buck, et ux - Petitioners

MHLETAS, Donald E. Buck and Elizabeth L. Buck are desirous of establishing an easurent and driveway over portions of Lots 2 and 3 for the use and benefit of all of said Lots 1, 2, and 3 for ingress and egress from Allegheny Avenue to said lots, which easement and drivew wy is maintained as hereinafter set forth.

N.W. THEMEFORE, this Declaration and Driveway Use and Maintenance Agreement

WITHESSETH: That Donald E. Buck and Elizabeth L. Buck hereby declare that there is hereby created for the benefit of Lots 1 and 2 a perpetual easement for purposes of ingress and egress over that strip of land ten (10) feet wide which has heretofore been set aside as being a portion of Lot 3 and which runs along the southeastern border of the entire tract of land owned by Donald E. Buck and Elizabeth L. Buck, his wife, from Allegheny Avenue to an imaginary line in said strip, said line being made by extending the South 56 degree 15 minute East 94.79 foot line which appears on the aforesaid Plat on the southwestern border of Lot 3, such extension being in a southeasterly direction until said imaginary line intersects the South 32 degree 51 minute 20 second West 410.01 foot line as shown on the aforesaid Plat as the southeastern boundary of the entire tract owned by Donald E. Buck and Elizabeth L. Buck, his wife.

It is further declared that there is hereby created for the benefit of Lots 1 and 3 a perpetual easement for purposes of ingress and egress over that ten (10) foot wide strip of land which has heretofore been set aside as being a portion of Lot 2 and which runs from Allegheny Avenue to the South 56 degree 15 minute East 94.79 foot line which appears on the aforesaid Plat on the southwestern border of Lot 3, said strip to include that part set aside for Lot 2 to the southeast of an imaginary line across Lot 2, said line being made by extending the South 32 degree 51 minute 20 second West 202.41 foot line which appears on the aforesaid

G. Darrell Russell, Jr., Esquire 203 Courtland Avenus Towson, Maryland 21204

9:30 A.M.

TOWCON, MARYIAND

December 16, 1981

**PALTIMORE COUNTY** OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204

January 4, 1982

WILLIAM E. HAMMOND ZOWING COMMISSIONER

G. Darrell Russell, Esquire 203 Courtland Avenue Towson, Maryland 21204

Petitions for Special Hearing and Variance N/s Allegheny Ave., 461' E of Woodbine Ave. Philip L. Buck, et ux - Petitioners Case #82-154-SPHA

Dear Mr. Russell:

This is to advise you that \$64.75 is due for advertising and posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204 before the hearing.

Zoning Commissioner

WEH:klr

LIBER 5 9 3 0 PACE 0 9 4

Plat on the southeastern border of Lot 1, such extension being in a northeasterly direction, until it intersects with the South 56 degree 15 minute East 94.79 foot line which appears on the iforesaid Plat on the southwestern border of Lot 3.

The easement, drivoway and right of way hereby created, and all covenants and conditions herein contained shall run with and bind the land and shall inure to the bunefit of and may be enforced by the owners in fee simple or leasehold interest in Lots 1, 2, and 3 and their respective heirs, personal representatives, successors and assigns. The owner of each said lot shall be responsible for onethird (1/3) of the costs and expenses incurred in maintaining the easument, driveway, or right of way, so as to permit from and unimpoded access across said casements, driveways, or rights of ways; provided, however, that should any maintenance of, or repair to, the easement, drivoway or right of way become necessary as a result of any activity (exclusive of normal ingress or egress) undertaken for the sole benefit of any lot(s) other than all three (3) lots, the expense of said repair or maintenance shall be borne equally by the owner(s) of the lot(s) for whose benefit the activity is undertaken.

It is expressly agreed that nothing herein contained shall constitute the dedication of the easement, driveway, or right of way described above, and shown on the plat attached hereto, title to which shall be retained by record title owners as now or hereafter constituted, but subject to the easement, driveway, and right of way herein created. The grantors, for themselves, their personal representatives, successors and assigns, acknowledge that the easement, driveway, and/or right of way hereby created does not violate or conflict with any other covenants, restrictions or conditions contained in any Declaration of Testrictions now on record in Baltimore County and that apply to the lots which are the subject of this Declaration and they do hereby consent to the creation of said easement,

LIBER 5 9 3 0 PACL 0 9 5 driveway, or right of way. RE: PETITIONS FOR SPECIAL HEARING: BEFORE THE continued to live in the dwelling for many years, and Mr. Buck helped his Since the improvements involved were constructed prior to or shortly This Declaration is expressly binding upon the grantors, their heirs, personal AND VARIANCES father construct the garage which was serviced by water pipes at the time of N/S of Allegheny Avenue, 461' E of : ZONING COMMISSIONER after the adoption of the zoning regulations in Baltimore County, the improve-Woodbine Avenue - 9th Election its construction. ments are nonconforming as to the area and setback requirements set forth in Philip L. Buck, et ux - Petitioners NO. 82-154-SPHA (Item No. 70) BALTIMORE COUNTY Approximately two years ago, Mr. Buck purchased Lot I from his the current regulations. Only the petitioners' desire to convert the singlefather with his father financing \$55,000 of the total purchase price. He and ::: ::: ::: family dwelling and accessory structure to multi-family use creates the need his family 'ved in the dwelling for a period of time, but then moved out and for variances. This matter comes before the Zoning Commissioner as the result of a rented the home to friends. On cross-examination, he acknowledged that six A review of the site plan, Petitioners' Exhibit 1, discloses that the STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: Petition for Special Hearing to allow the conversion of an existing improve-I HERREBY CERTIFY that on this 3/ day of / Golis , 1978, girls were presently living there as tenants and that he was planning to return subdivision of the original tract and the creation of panhandles (driveways) to ment (single-family dwelling) and garage to a three-apartment dwelling by conbefore me, the subscriber, a Notary Public of the State and County aforesaid, to live on the premises this summer. Testimony regarding the proposed conserve Lots 2 and 3 necessitate lot width and side yard setback variances. structing a breezeway between the dwelling and garage and, additionally, a personally appeared DUNALD E. BUCK and ELIZABETH L. BUCK, his wife, known to version indicated that the present dwelling would contain two apartments, the Without these panhandles, the petitioners would be able to meet the requireme (or satisfactorily proven) to be persons whose names are subscribed to the Politio for Variances to permit a lot width of 84 feet in lieu of the required breezeway attaching the dwelling to the garage would consist of a 3-foot foyer, ments of the zoning regulations. The question then raised is whether or not within instrument and acknowledged that they executed same for the purposes 105 feet, a minimum side yard setback of 5 feet in lieu of the required 20 feet, and the garage would contain one apartment on the first or second floor. The therein contained, and in my presence signed and sealed the same. the petitioners, or the predecessor in title, should be benefitted by the volunand a sum of the side yards of 35 feet in lieu of the required 40 feet. IN WITNESS WHENDOF, I hereunto set my hand and Notarial Seal. exact location of the apartment in the garage was not definite because the gartary acts which created the practical difficulty or unreasonable hardship. The G. Darrell Russell, counsel for the petitioner, argued that the garage age may also be used for additional parking. Mr. Buck also proposes to conobvious answer is no. To conclude otherwise would be contrary to the spirit would become a part of the dwelling by way of the connecting breezeway rather struct a pad sufficient to park four cars. and intent of the zoning regulations. This is particularly true in this instance than remaining as an accessory building. For that reason, the breezeway My commission expires: The objection of the protestants was that the garage would be convertbecause the creator of the circumstances was Mr. Buck's father. Consequentwould convert the two separate structures to one dwelling. July 1, 1982 ed to a dwelling unit, which they felt would increase community problems norly, the requested variances should not be granted. Mr. Philip L. Buck, petitioner, testified that his father purchased the mally attributable to apartment use, i.e., parking, noise, additional traffic, The nomenclature of the improvements would change to apartment original tract of land in 1945 or 1946 and subdivided it into three lots, the plat and, in this instance, an increase in the driveway stone being dragged into the Rec'd for record SEP 1 1978 at building by attaching the garage (accessory structure) to the dwelling. Howfor which is recorded among the Land Records of Baltimore County in Plat public street. It was also their opinion that since the garage was constructed ever, such attachment would violate the zoning regulations as the result of the Book No. 42, Folio 56. The plat shows that a 12-foot macadam drive was esas an access structure, it should remain as such and should not be changed 522 -1-78 Z981Z10Z \*\*\*\*11.00 denial of the side yard setback variances since an attached garage would be tablished by way of an easement to serve the lots and give access to Allegheny 0511\*\*\*\* #151665 BT-1-93 Thin nature or purpose simply by attaching it to the dwelling. art of the principal structure. It would remain an accessory structure and venue. A Declaration-Driveway Use and Maintenance Agreement for the Section 101 of the Baltimore County Zoning Regulations defines an acwould need to be only  $2\frac{1}{2}$  feet from the property line if it were not attached. arive was recorded among the Land Records of Baltimore County in Liber As such, the garage cannot be attached to the principal structure (dwelling) H.K., Jr., No. 5930, Folio 93 (Petitioners' Exhibit 2). According to the RECEIVE "One which is subordinate and customarily incidental to and and may remain only as an accessory building. greement, the entire driveway is owned as part of Lot 3 but has a 10-foot on the same lot with a main building ... A structure connected to a principal building by a covered passageway or with Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore easement for ingress to and egress from Lots 1 and 2. He further testified one wall in common shall not be considered an acces ory County, this 20th day of May, 1982, that the Petition for Variances to that the second floor of the dwelling on Lot 1 was rented to an elderly lady at and an apartment building as: permit a lot width of 84 feet in lieu of the required 105 feet, a minimum side the time the property was purchased. When Mr. Buck's father moved in, the "A dwelling containing three or more apartments." tenant moved out and it remained a single-family dwelling thereafter. They - 3 -- 2 -PETITION FOR SPECIAL HEARING & VARIANCE WIN DISTRICT ZONING: Petition for Special Hearing and Variance

LOCATION: North side of Aileghe The Zoning Commis-CERTIFICATE OF PUBLICATION **Oge Times** sioner of Baltimore Coun yard setback of 5 feet in lieu of the required 20 feet, and a sum of the side Zoning Act and Regula-DATE & TIME: Tuesday, January 12, 1982 at 9:30 A.M.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson, tions of Baltimore County will hold a public hearing CERTIFICATE OF POSTING yards of 35 feet in lieu of the required 40 feet is hereby DENIED. ZONING DEPARTMENT OF BALTIMORE COUNTY This is to Certify, That the annexed 500.7 of the Zoning Regula It is FURTHER ORDERED that the Petition for Special Hearing to allow The Zoning Commissioner of Bal-timore County, by authority of the Zoning Act and Regulations of Baltions of Baltimore County 82-154-SPHA THIS IS TO CERTIFY, that the annexed advertisement was to determine whether of sioner and/or Deputy Zon the conversion of the existing improvement (single-family dwelling) and garpublished in THE JEFFERSONIAN, a weekly newspaper printed Petition for Special Hearing un-der 8-ection 500.7 of the Zoning Reg-ulaus is of Baltimore County to de-Date of Posting Dic 23-51. approve whether the st and published in Towson, Baltimore County, Md., once in each tachment of an existing ga age to multi-family use by the construction of a breezeway between the dwellwas inserted in Ole Times, a newspaper printed termine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve whicher the attachment of an existing garage to a dwelling via Variance and Special Hearing breezeway shail allow the of one the managers weeks before the conversion of the existing and published in Baltimore County, once in each dwelling and garage to ing and garage is hereby DISMISSED. breezeway shall allow the conver-sion of the existing dwelling and garage to a three-apartment dwellday of \_\_\_\_\_\_\_, 19\_2\_\_\_, thexarst publication d Variance to permit lot width of 84' instead of ing; and Variance to permit a lot width of 84' instead of the required the required 105' and appearing on the \_\_\_\_2hth\_\_\_ day of \_\_\_\_hometer\_\_\_ minimum side yard set-back of 6' instead of the required 20' and a sum of 20' and a sum of at a yards of 35 Location of Signs: Inthe Side of Allegherry avenue apprex. side yards of 35' instead o instead of the required 40'
The Zoning Regulation to be ex-Zoning Commissioner of THE JEFFERSONIAN, the required 40' The Zoning Regulation cepted as follows: Section 402.1—Minimum lot width Baltimore County 500' East of Wordbine are we to be excepted as follows: and setbacks for conversion of a Section 402.1 - Minimum dwelling to apartments
All that parcet of land in the lot width and setbacks for conversion of a dwelling to Ninth District of Baltimore County Beginning at a point on the North side of Allegheny Avenue ap-All that parcel of land in proximately 461' east of Woodbine Avenue and known as Let 1 of Cost of Advertisement, \$\_\_\_\_\_ the Ninth District of Balti-Beginning at a point on the North side of Alle-Number of Signs: gheny Avenue approxi-mately 461' east of Also known as 532 Allegheny Av-Woodbine Avenue and known as Lot 1 of "Donald Buck" property and re-corded among the Land Records of Baltimore ment.

Hearing Date: Tuesday, January
12, 1962, at 9:30 A.M.

Public Hearing: Room 106, County
Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland
By Order Of

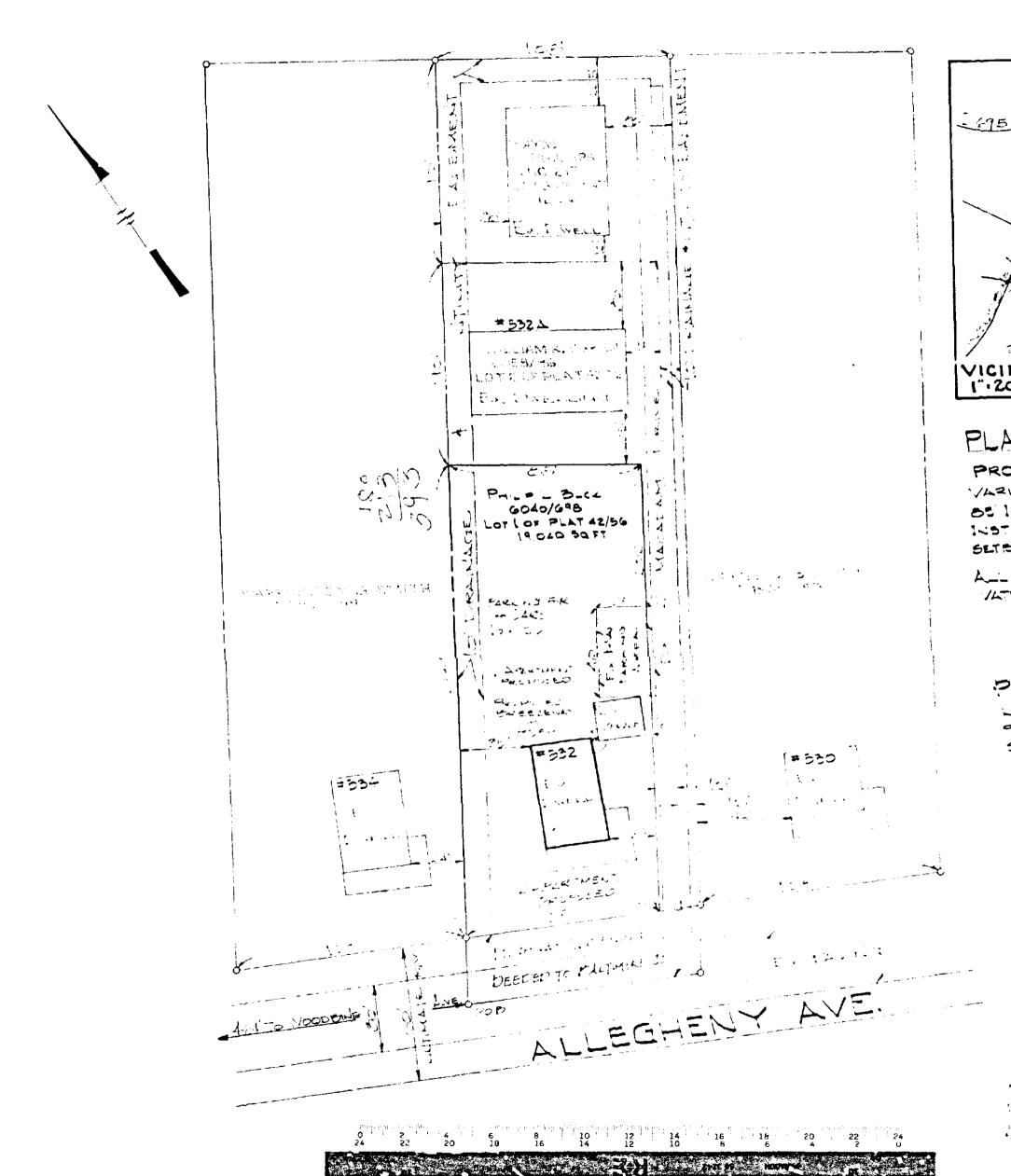
WILLIAM E. HAMMOND, County in Plat Book 42 Fo-Also known as 532 Allegheny Avenue. Petition for PETITION MAPPING PROGRESS SHEET Special Hearing & Duplicate Tracing 200 Sheet Variance **FUNCTION** Hearing Date: Tuesday date by date by date by date by 9TH DISTRICT ZONING: Petition for Descriptions checked and Special Hearing and Varioutline plotted on map of Alleghony Ave., 461' East of Woodbine Ave. Avenue, Towson. DATE & TIME: Tues BY ORDER OF Petition number added to William E. Hammond outline 0 PUBLIC HEARING: 0 Denied Granted by ZC, BA, CC, CA Revised Plans:

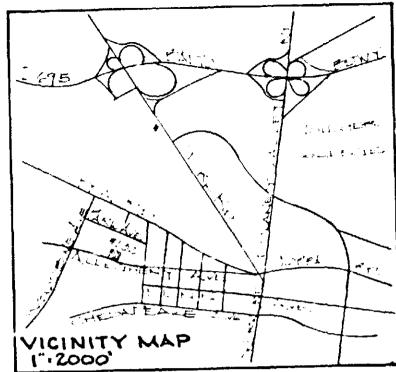
Change in outline or description\_\_\_Yes

Map #\_\_\_\_

Reviewed by:

Previous case: Nove





## PLAT FOR ZONING VARIANCE

PROPOSED 3 APARTMENT DIVELLING VARIANCE TO PERMIT LOT WIDTH OF DE INSTEAD OF 105, SETBACK OF !! INSTEAD OF 20' AND COMBINED SIDEYARD SETBACK OF 35 INSTEAD OF 40'.

ALL LOTS ZONED DR35 VATER & SAN TARY SEWER EXIST IN ALLECHENY AVE.

PROPERTY OF PROPERTY OF DISTRICT SCALE 1.40

